

SPORTS SYSTEMS OF ACCOUNTABILITY OVERVIEW



This sheet is for:

This systems accountability overview is for both advocates and athlete survivors to better understand the different pathways for reporting and the impacts of different systems. This document does not provide legal advice. As always, it is critical to consult with a lawyer to better understand the unique laws and regulations that may govern.

How advocates can use this:

Advocates can use this flow chart/sheet to better understand sport systems of accountability and share with athlete survivors so they better understand the various pathways and options they have both within and outside of the sport world.

SYSTEMS OVERVIEW

Sports Systems

US Center for Safe Sport

International Federations of Sport

International Olympic

International Paralympic Committee

Players Unions

National Governing Bodies of Sport

Legal Systems

US Criminal Legal System

US Civil Legal System

Institutional Systems

Title IX

Title VII

KEY TERMS

Remedies

These are actions or decisions a person that has been harmed can get through the process. They also include the actions that can be taken against the person who has caused harm.

An administrative system

This is a system that makes decisions that impact a person within a certain role or scope. This is more limited than the civil and criminal systems that impact people outside of their roles/across their roles.

US CENTER FOR SAFE SPORT (USCSS)

USCSS is an independent nonprofit organization that prevents and responds to abuse and misconduct in the U.S. Olympic and Paralympic Movement

What can it do to help (i.e. remedies)?

As an administrative system, the Center has the ability to:

- ban, suspend, make ineligible, and detail specific restrictions on someone from US Olympic and Paralympic sports (on a permanent and temporary basis);
- add people to their centralized disciplinary database for transparency to the public of who has temporary or permanent restrictions through sport;
- audit National Governing Bodies of sport around their safeguarding practices.

Who can be a party to/part of this procedure?

The Center is the party representing the public safety of sport concerns. The respondent is the person who has been accused of causing harm. The witness or complainant is the person who reported and/or was harmed

What level of proof is needed (i.e. standard of proof)?

The Center uses a preponderance of the evidence standard, which is a burden of proof that the Center must find it is more likely than not that the abuse/harm happened. This means that even if an abuser was not arrested after reporting to law enforcement, SafeSport may still be able to restrict or ban them from sport due to having a lower evidence standard.

Important to Note:

All Center staff are mandatory reporters of child abuse and neglect, and also may be required to report to the Center if they are a "Participant" in a USOPC sport-such as athlete, coach, referee etc.

All Participants of a USOPC sport are mandatory reporters to the Center of all assumed or suspected abuse of anyone in the US Olympic or Paralympic Movement - including local, grassroots sports that are represented in the Olympics - and regardless of age. This means that even an adult who has experienced abuse through sports - regardless of age when it occurred and even one who does not want to report the abuse - will have their abuse reported if they speak to a Participant about it occurring.

Additionally, The Center has exclusive jurisdiction over cases of sexual misconduct and sexual abuse. That means that these cases can not be handled by the National Governing Body (see below). If a case of physical and/or emotional abuse is egregious, the Center can assert jurisdiction over it from the NGB.

Resources & Links

- uscenterforsafesport.org/
- uscenterforsafesport.org/response-and-resolution/centralized-disciplinary-database/
- uscenterforsafesport.org/report-a-concern/

INTERNATIONAL FEDERATIONS (IFS)

International Federations are non-governmental organizations that govern a specific sport on a global scale, creating and enforcing rules, organizing world championships, and promoting the sport internationally. They are members of the International Olympic Committee.

What can it do to help (i.e. remedies)?

Legal issues are resolved through the Court of Arbitration for Sport. Remedies can include banning from sport, restrictions, and other forms of resolution on par with tort law (laws around harming a person or property).

Resources & Links

- tas-cas.org/en/general-information/index/
- olympics.com/ioc/international-federations

INTERNATIONAL OLYMPIC COMMITTEE (IOC)

The International Olympic Committee is the international organization that governs the modern Olympic Games.

What can it do to help (i.e. remedies)?

The IOC has a games-time grievance mechanism for filing reports that happen during the Olympic Games. Under other issues such as match fixing and doping, there are remedies. It remains unclear what if any remedies or actions the IOC will take regarding sexual misconduct and abuse.

Who can be a party to/part of this procedure?

Olympic athletes and others connected to the Olympic movement can be a party to these cases. They are investigated by the International Olympic Committee staff or an ad hoc committee.

What level of proof is needed (i.e. standard of proof)?

It is unclear what standard of proof is needed to make a decision by the IOC as to wrongdoing.

Resources & Links

- To file a report: ioc.integrityline.org/
- olympics.com/ioc/overview
- Framework for Games Time Reports: stillmed.olympics.com/media/Documents/Athletes/Safe_guarding/IOC-Games-Time-framework-ENG.pdf

INTERNATIONAL PARALYMPIC COMMITTEE (IPC)

The International Paralympic Committee is the international organization that governs the Paralympic games. While they work in partnership with the IOC, they are a separate governing entity.

What can it do to help (i.e. remedies)?

The IPC has a confidential, games-time grievance reporting system for filing reports of non-accidental violence and abuse through using the forms available on their website.

Who can be a party to/part of this procedure?

Paralympic athletes and others connected to the Paralympic movement can be a party to these cases. They are investigated by the International Paralympic Committee staff.

What level of proof is needed (i.e. standard of proof)?

It is unclear what standard of proof is needed to make a decision by the IPC as to wrongdoing.

Resources & Links

To file a report: paralympic.org/sites/default/files/2024-04/Games-Time%20Report%20Form%20IPC%20Policy%20on%20Non-Accidental%20Violence%20and%20Abuse%20in%20Sport%20%28Attachment%202%29.pdf

PLAYERS UNIONS

A players union is a work collective for players in certain sports. This includes the National Basketball Players Association (NBPA), Women's National Basketball Players Association (WNBPA), the National Football League Players Association (NFLPA), National Women's Soccer League Players Association (NWSLPA), and the Major League Baseball Players Association (MLBPA). These unions negotiate player rights such as pension plans, salary guidelines, and health care.

What can it do to help (i.e. remedies)?

Union systems have grievance processes for harms that happen involving the team against a player. They also can provide representation for people who are harmed during other investigation processes and are responsible for negotiating Collective Bargaining Agreements (CBAs).

Who can be a party to/part of this procedure?

The player is the member of the union who can expect representation from the union. The team or league is treated as the employer from which remedies can be sought.

What level of proof is needed (i.e. standard of proof)?

This is an administrative system for remedy and the standard of proof can vary based on the context.

Resources & Links

- uniglobalunion.org/about/sectors/world-players/page/2/
- libguides.rutgers.edu/c.php?g=336678&p=2267003

NATIONAL GOVERNING BODIES OF SPORT (US context, and similar for other countries)

National Governing Bodies are the organizations that govern the national sports that represent a country in the Olympics or Paralympics. In the US this includes a list of over 40 sport organizations that are members of the USOPC (US Olympic and Paralympic Committee). Sports that are not represented in the Olympics and Paralympics may still have a recognized sports organization (for example, USA Cheer, USA Cricket, USA Kickboxing, National Football League).

What can it do to help (i.e. remedies)?

NGBs can remove someone from sport and make restrictions on someone in sport.

Who can be a party to/part of this procedure?

In NGB investigations, the NGB conducts the investigation and makes a finding with remedies or actions.

What level of proof is needed (i.e. standard of proof)?

In most cases the preponderance of the evidence standard is applied.

Important to Note:

NGBs in the United States can not investigate sexual misconduct and/or sexual abuse. They can investigate physical and emotional abuse and misconduct. All sexual misconduct and/or sexual abuse must go through the US Center for SafeSport.

Resources & Links

<https://www.usopc.org/NGB-IMS>

UNITED STATES CRIMINAL LEGAL SYSTEM

The criminal legal system is a complex network of institutions and processes designed to uphold laws and maintain order through three main components: law enforcement, courts, and corrections. The criminal legal system is organized based on jurisdiction (area it has control over). Each state has its own systems, laws and procedures. And the nation has an overarching criminal legal system, under Federal law.

In the area of sports, child abuse laws apply to coaches and others in the sport world. The criminal legal system may be activated when there has been a crime against a person caused by a person or organization that has violated a law at the state or federal level, such as sexual assault and/or physical assault. The criminal legal system can be activated even without the survivor/victim participating when there has been a crime against the state because a law has been violated.

What can it do to help (i.e. remedies)?

Criminal legal systems have the ability to take away someone's freedoms through incarceration, restrictions, mandated trainings, and fines.

Who can be a party to/part of this procedure?

The State or US is the prosecuting party (the party that is proving the wrongdoing). The defendant is the person accused of wrongdoing. Witnesses, survivors/victims, and investigators/law enforcement officers are not parties to the case, but are part of the evidence.

What level of proof is needed (i.e. standard of proof)?

The criminal legal system has a burden of proof that is beyond a reasonable doubt standard. This means that the evidence must be so convincing that there is no reasonable explanation or doubt that the defendant is guilty.

Resources & Links

- [justice.gov/usao/justice-101/steps-federal-criminal-process](https://www.justice.gov/usao/justice-101/steps-federal-criminal-process)
- [uscourts.gov/about-federal-courts/court-role-and-structure/comparing-federal-state-courts](https://www.uscourts.gov/about-federal-courts/court-role-and-structure/comparing-federal-state-courts)

UNITED STATES CIVIL LEGAL SYSTEM

The civil legal system handles private disputes between individuals or organizations, focusing on compensation for damages. In sports, the civil legal systems can be a way to hold individuals or organizations responsible for harms against an athlete.

What can it do to help (i.e. remedies)?

The civil legal system focuses on compensation for damages, often in the form of money. The systems can also enact injunctive relief, which are mandatory acts or intervene in a current act.

Who can be a party to/part of this procedure?

The plaintiff is the person/organization/entity seeking remedy. The defendant is the person/organization/entity from whom the remedy is sought.

What level of proof is needed (i.e. standard of proof)?

In these cases the standard of proof may vary. Usually, the standard of proof is the preponderance of the evidence (more likely than not that the remedy is needed), and some cases may use a clear and convincing standard of proof that means the claim must be shown to be highly probable or reasonably certain. This is lower than beyond a reasonable doubt in the criminal legal system, but is a harder burden than preponderance of the evidence, such as in the US Center for SafeSport.

Resources & Links

- <https://victimsofcrime.org/criminal-and-civil-justice/>

EDUCATION SYSTEMS (TITLE IX AND STATE-SPECIFIC LAWS) (US specific context)

Title IX of the Education Amendments of 1972 is an anti-sex discrimination law that applies to sexual abuse and misconduct, as well as other cases of sex-based discrimination in educational settings that receive federal funding. (Nearly all schools, both public and private, receive federal funding.) States have also developed their own laws around educational sex-discrimination. In some cases, state law provides even greater protections than Title IX.

What can it do to help (i.e. remedies)?

As an administrative system, the remedies are limited to mandatory changes, such as training and education, as well as accommodations in the education system, and ultimately removing a student from the educational environment.

Who can be a party to/part of this procedure?

In these cases, the school is the investigator and also the party to advocate for student conduct concerns. The person who has been accused of causing harm is the Respondent. The person harmed is the Complainant.

What level of proof is needed (i.e. standard of proof)?

In these cases, the usual evidence standard is preponderance of the evidence. In some cases, and if the school uses clear and convincing standards in other administrative proceedings, they can similarly use clear and convincing standards.

Resources & Links

- advocatesforyouth.org/campaigns/know-your-ix/
- ed.gov/laws-and-policy/civil-rights-laws/title-ix-and-sex-discrimination

EMPLOYMENT SYSTEMS (TITLE VII AND STATE-SPECIFIC LAWS) (US specific context)

Employment sex-based discrimination is an administrative system that regulates sex-based and other forms of unlawful discrimination in the employment context/workplace. Title VII of the Civil Rights Act of 1964 provides for protections and remedies for discrimination based on race, color, religion, sex (including pregnancy, sexual orientation, and gender identity), and national origin. Many states have additional protections and remedies against discrimination in the workplace that may be even more protective and extensive than the federal law of Title VII.

What can it do to help (i.e. remedies)?

As an administrative system, the remedies are limited to mandatory changes, such as training and education, as well as accommodations in the workplace, and ultimately removing a person/employee from the workplace.

Who can be a party to/part of this procedure?

In these cases the employer is the investigator and also the party to the employee or other reports concerns. The person who has been accused of causing harm is the Respondent. The person harmed is the Complainant.

What level of proof is needed (i.e. standard of proof)?

In these cases the usual evidence standard is preponderance of the evidence. In some cases, and if the workplace uses clear and convincing standards in other administrative proceedings, they can similarly use clear and convincing standards.

Resources & Links

- National Resource Center on Workplace Violence: [Workplaces Respond](https://www.workplacesrespond.org/)
- doh.gov/agencies/oasam/centers-offices/civil-rights-center/statutes/title-vii-civil-rights-act-of-1964
- eoc.gov/youth/what-laws-does-eoc-enforce
- aclu.org/know-your-rights/sex-discrimination